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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,049	07/09/2001	Keiichi Shimizu	210101US2	3900

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,049

Applicant(s)

SHIMIZU ET AL.

Examiner

Willie J. Daniel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to application's amendment filed on 27 July 2004. **Claims 1-14** are now pending in the present application.

Specification

2. The objections to the specification are withdrawn, as the proposed corrections are approved.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-10, 12-14 are rejected under 35 U.S.C. 102(a) as being anticipated by **Chen et al.** (hereinafter Chen) ("**Some Mechanisms To Improve TCP/IP Performance Over Wireless and Mobile Computing Environment**", **July 04, 2000**).

Regarding **Claim 1**, Chen discloses of a handoff method of performing a handoff when mobile host (MH) which reads on the claimed "mobile terminal equipment" is moving from a previous base station (BS1) which reads on the claimed "foreign agent" to a new base station (BS2) which reads on the claimed "foreign agent" in a mobile IP network (see Figs. 1 and 6, said method comprising the steps of:

when detecting the start of a handoff, said previous foreign agent (BS1) requesting said new foreign agent (BS2) to agent-advertise to said mobile terminal equipment (MH) (see pg.

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442, left col., lines 28-34,47-53; pg. 442, right col., lines 9-13; Fig. 6), where handoff is detected due to low signal strength in which the serving BS informs the candidate BS of the move from one cell to another cell in which the agent-advertise would be inherent;

when receiving an agent advertisement from said new foreign agent (BS2), the mobile terminal equipment (MH) performing a regional registration of said mobile terminal equipment (MH) so as to doubly register said mobile terminal equipment (MH) so that said mobile terminal equipment (MH) is associated with both said previous foreign agent (BS1) and said new foreign agent (BS2) (see pg. 442, left column, lines 35-38,47-51; pg. 442, right col., lines 9-13; Fig. 6), where the mobile host has an established connection registered between both base stations during handoff in which the agent-advertisement would be inherent since the home agent provided a reply acknowledging to the new and old base station for notifying the registration of the mobile host. As a note, soft handoff (also known as, "make-and-break" or "make-before-break") provides a dual connection between cells during handoff;

determining whether or not an IP packet destined for said mobile terminal equipment (MH) is of real-time traffic when said mobile terminal equipment (MH) is doubly registered (see pg. 440, left column, lines 33-48; pg. 441, left column, lines 27-28; pg. 442, left column, lines 42-62; Fig. 6), where the real-time traffic is routed to the mobile host while registered with both base stations;

bicasting the IP packet to both said previous foreign agent (BS1) and said new foreign agent (BS2) if the IP packet is of real-time traffic, and buffering the IP packet if the IP packet is of non-real-time traffic (see pg. 440, left column, lines 33-48; pg. 442, left column, line 42

- right column, line 3; pg. 444, left column, lines 4-8; Fig. 6), where packets that are the real-time traffic are multicasted and the non-real-time traffic are buffered;

if IP packets of non-real-time traffic are buffered, transferring the buffered IP packets of non-real-time traffic to said new foreign agent (BS2) (see pg. 442, left column, lines 48-58).

Regarding **Claim 2**, Chen discloses of the handoff method according to claim 1, wherein in said double regional registration step, said mobile terminal equipment (MH) is registered with a home agent, and said home agent performs said IP packet determination step, said bicasting and buffering step, and said transferring step (see pg. 440, left column, lines 33-48; pg. 442, left column, line 18-27, 42-62; Fig. 6).

Regarding **Claim 3**, Chen discloses of the handoff method according to claim 2, wherein said home agent determines whether or not an IP packet destined for said mobile terminal equipment (MH) is of real-time traffic based on information on a header of the IP packet (see pg. 441, left column, lines 25-29; pg. 442, left column, lines 20-27; Fig. 4).

Regarding **Claim 4**, Chen discloses of the handoff method according to claim 2, wherein said home agent determines whether or not an IP packet destined for said mobile terminal equipment (MH) is of real-time traffic based on information on an upper layer, which is placed in a payload of the IP packet (see pg. 441, left column, lines 25-29; pg. 442, left column, lines 20-27; Fig. 4), where the field of the packet has a packet type for real-time packet.

Regarding **Claim 5**, Chen discloses of the handoff method according to claim 1, wherein in said double regional registration step, said mobile terminal equipment (MH) is registered with a gateway foreign agent, and said gateway foreign agent performs said IP

packet determination step, said multicasting and buffering step, and said transferring step (see pg. 440, left column, lines 33-48; pg. 442, left column, line 18-27, 42-62; Fig. 6), where the mobile host is registered with a gateway foreign agent as in the case of a home agent that will multicast and buffer packets to be transferred.

Regarding **Claim 6**, Chen discloses of the handoff method according to claim 5, wherein said gateway foreign agent determines whether or not an IP packet destined for said mobile terminal equipment (MH) is of real-time traffic based on information on a header of the IP packet (see pg. 441, left column, lines 25-29; pg. 442, left column, lines 20-27; Fig. 4).

Regarding **Claim 7**, Chen discloses of the handoff method according to claim 5, wherein said gateway foreign agent determines whether or not an IP packet destined for said mobile terminal equipment (MH) is of real-time traffic based on information on an upper layer, which is placed in a payload of the IP packet (see pg. 441, left column, lines 25-29; pg. 442, left column, lines 20-27; Fig. 4), where the field of the packet has a packet type for real-time packet.

Regarding **Claim 8**, Chen discloses of the handoff method according to claim 1, wherein said mobile IP network is a wireless network which reads on the claimed "cellular phone network" in accordance with Radio Access Network standards which can perform a mobile IP procedure, said mobile terminal equipment is a mobile host (MH) which reads on the claimed "cellular phone", and each of said new and the previous foreign agents is a base station (BS1) which reads on the claimed "radio network control unit" that can give and receive an authority to control said cellular phone (MH), as a handoff, according to an SRNC relocation procedure (see pg. 439, left column, lines 16-41; pg. 442, left column, lines 13-

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34,47-53; Figs. 1 and 6), where the wireless network environment allows for the mobile host to communicate via a wireless link under control of base stations as the mobile host moves between cells in which the SRNC relocation procedure would be inherent.

Regarding **Claim 9**, Chen discloses of the handoff method according to claim 8, wherein said radio network control unit (BS1) piggybacks a mobile IP message onto a control message according to the SRNC relocation procedure (see pg. 442, left column, lines 29-34,47-51; Figs. 4 and 6), where a message for establishing a connection during the handoff of the mobile host from one base station to another base station in which the SRNC relocation procedure would be inherent.

Regarding **Claim 10**, Chen discloses of the handoff method according to claim 8, wherein said radio network control unit (BS2) detects a start time and end time of the handoff according to an SRNC relocation procedure, and, when said cellular phone (MH) can establish communication according to mobile IP, notifies said cellular phone (MH) of the start time and end time of the handoff according to the mobile IP procedure (see pg. 442, left column, lines 29-34,47-51; Fig. 6), where the base station (BS1) establishes a connection to the mobile host to initiate the handing off of the mobile host to another base station (BS2) in which upon completion or end of the handoff the mobile host will be associated with only base station (BS2).

Regarding **Claim 12**, Chen discloses of the handoff method according to claim 8, wherein after a plurality of radio network control units (BS1) have accommodated said cellular phone (MH), a previous one of the plurality of radio network control units assumes that an SRNC relocation procedure generated after a predetermined transfer of an authority to

control the cellular phone (MH) is a handoff procedure, so as to detect the start time and end time of the handoff (see pg. 442, left column, lines 29-34,47-53; pg. 442, right column, lines 9-13; Fig. 6), where the mobile host (MH) moves from one base station (BS1) to another base station (BS2) to have the control changed between the base stations in which the SRNC relocation procedure would be inherent.

Regarding **Claim 13**, Chen discloses of a handoff method of performing a handoff when mobile terminal equipment (MH) is moving from a previous foreign agent (BS1) to a new foreign agent (BS2) in a mobile IP network (see Fig. 6), said method comprising the steps of:

when detecting the start of a handoff, said previous foreign agent (BS1) requesting said new foreign agent (BS2) to agent-advertise to said mobile terminal equipment (MH) (see pg. 442, left col., lines 28-34,47-53; pg. 442, right col., lines 9-13; Fig. 6); where handoff is detected due to low signal strength in which the serving BS informs the candidate BS of the move from one cell to another cell in which the agent-advertise would be inherent;

when receiving an agent advertisement from said new foreign agent (BS2), the mobile terminal equipment (MH) performing a regional registration of said mobile terminal equipment (MH) with a home agent so as to doubly register said mobile terminal equipment (MH) so that said mobile terminal equipment (MH) is associated with both said previous foreign agent (BS1) and said new foreign agent (BS2) (see pg. 442, left column, lines 35-38,47-51; pg. 442, right col., lines 9-13; Fig. 6), where the mobile host has an established connection registered between both base stations during handoff in which the agent-advertisement would be inherent since the home agent provided a reply acknowledging

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to the new and old base station for notifying the registration of the mobile host. As a note, soft handoff (also known as, "make-and-break" or "make-before-break") provides a dual connection between cells during handoff;

determining by said home agent whether or not an IP packet destined for said mobile terminal equipment (MH) is of real-time traffic when said mobile terminal equipment (MH) is doubly registered (see pg. 440, left column, lines 33-48; pg. 441, left column, lines 27-28; pg. 442, left column, lines 22-27, 42-62; Fig. 6), where the real-time traffic is routed to the mobile host while registered with both base stations;

bicasting from said home agent the IP packet to both said previous foreign agent and said new foreign agent if the IP packet is of real-time traffic, and transferring the IP packet to said previous foreign agent if the IP packet is of non-real-time traffic (see pg. 440, left column, lines 33-48; pg. 442, left column, lines 22-27; pg. 442, left column, line 42 - right column, line 3; pg. 444, left column, lines 4-8; Fig. 6), where the home agent multicast packets that are the real-time traffic as well as buffer and transfer packets that are the non-real-time traffic;

buffering at said previous foreign agent (BS1) the IP packet of non-real-time traffic transferred from said home agent therein (see pg. 442, left column, lines 48-58);

when the handoff is completed, if IP packets of non-real-time traffic are buffered in said previous foreign agent (BS1), transferring said previous foreign agent (BS1) the buffered IP packets of non-real-time traffic to said new foreign agent (BS2) (see pg. 442, left column, lines 48-58); and

when the handoff is completed, updating the regional registration associated with said previous foreign agent (BS1) so that said mobile terminal equipment (MH) is associated only with said new foreign agent (BS2) (see pg. 442, left column, lines 22-24), where the mobile host will have a current or new address which matches its point of connection to the internet. The updating of regional registration would be inherent.

Regarding **Claim 14**, Chen discloses of an agent apparatus for transferring IP packets to a new foreign agent (BS2) in a mobile IP network, to which mobile terminal equipment (MH) is moving (see Fig. 6), said apparatus comprising:

means for detecting the start of a handoff and for requesting said new foreign agent (BS2) to agent-advertise to said mobile terminal equipment (MH) (see pg. 442, left col., lines 28-34, 47-53; pg. 442, right col., lines 9-13; Fig. 6), where handoff is detected due to low signal strength in which the serving BS informs the candidate BS of the move from one cell to another cell in which the agent-advertise would be inherent;

means for performing a regional registration of said mobile terminal equipment (MH) by the mobile terminal equipment (MH) with a home agent, upon receiving an agent advertisement from said new foreign agent (BS2), so as to doubly register said mobile terminal equipment (MH) so that said mobile terminal equipment (MH) is associated with both said previous foreign agent (BS1) and said new foreign agent (BS2) (see pg. 442, left column, lines 35-38, 47-51; pg. 442, right col., lines 9-13; Fig. 6), where the mobile host has an established connection registered between both base stations during handoff in which the agent-advertisement would be inherent since the home agent provided a reply acknowledging to the new and old base station for notifying the registration of the mobile host. As a note,

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soft handoff (also known as, "make-and-break" or "make-before-break") provides a dual connection between cells during handoff

a means for, upon receiving an IP packet destined for said mobile terminal equipment (MH) when said mobile terminal equipment (MH) is doubly registered during a handoff, determining whether or not the IP packet is of real-time traffic (see pg. 440, left column, lines 33-48; pg. 441, left column, lines 27-28; pg. 442, left column, lines 42-62; Fig. 6), where the real-time traffic is routed to the mobile host while registered with both base stations via a connection;

a means for multicasting the IP packet to both said previous foreign agent (BS1) and said new foreign agent (BS2) if the IP packet is of real-time traffic, and for buffering the IP packet if the IP packet is of non-real-time traffic (see pg. 440, left column, lines 33-48; pg. 442, left column, line 42 - right column, line 3; pg. 444, left column, lines 4-8; Fig. 6), where the packets that are real-time traffic are multicasted and the non-real-time traffic are buffered via the connection of the mobile host with BS1 and BS2;

a means for, when the handoff has been completed and IP packets of non-real-time traffic are buffered, transferring the buffered IP packets of non-real-time traffic to said new foreign agent (BS2) (see pg. 442, left column, lines 48-58), where the mobile host is associated with BS2 when the handoff is completed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al.**

(hereinafter Chen) ("**Some Mechanisms To Improve TCP/IP Performance Over Wireless and Mobile Computing Environment**", July 04, 2000) in view of **Boudreaux (US 6,466,556 B1)**.

Regarding **Claim 11**, Chen teaches of the handoff method according to claim 8, wherein said radio network control unit (BS1) detects a start time and end time of the handoff (see pg. 442, left column, lines 28-33, 47-53; pg. 442, right column, lines 9-13; Fig. 6), where the mobile host (MH) is in the process of starting handover from one base station (BS1) and another base station (BS2) and end when handoff is completed in which the mobile host is registered to a base station. Chen fails to disclose having a SRNC relocation procedure and cellular phone cannot establish communication. However, the examiner maintains that having a SRNC relocation procedure and cellular phone cannot establish communication was well known in the art, as taught by Boudreaux.

In the same field of endeavor, Boudreaux teaches having a SRNS relocation which reads on the claimed "SRNC relocation" procedure and user equipment (140) which reads on the claimed "cellular phone" cannot establish communication (see col. 5, lines 44-50; col. 5, line 59 - col. 6, line 10; col. 7, lines 4-13; Figs. 3-4), where the movement of the UE (140)

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operates according to SRNS relocation. The UE (140) does not have connectivity during the hard handover due to the break in the communication link in which the link is reconnected after break to another RNS to provide the UE with an established communication link.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chen and Boudreaux to have a SRNC relocation procedure and cellular phone cannot establish communication.

The advantage of combining the teachings of Chen and Boudreaux is to keep packets flowing for as long as possible during the handover procedure either with a very small interruption or no interruption of flow (see Boudreaux col. 5, lines 15-25).

Response to Arguments

5. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. **Kondylis et al. (US 6,621,805 B1)** discloses a *Method and Apparatus for Multicasting Real-Time Variable Bit-Rate Traffic In Wireless Ad-Hoc Networks*.
 - b. **Sen et al. (US 6,701,149 B1)** discloses the *Handoff Framework to Support Real-Time Delay-Critical Services In a Next Generation Network*.
 - c. 3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Manifestations of handover and SRNS Relocation (3G TR 25.932 version 3.0.0); pp. 1-13.
 - d. Banh et al., *Handover Re-routing Schemes for Connection Oriented Services in Mobile ATM Networks*, 1998.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until

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after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
15 November 2004

Marsha D. Banks-Harold
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